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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Allocation of Spectrum Below ) ET Docket No. 94-32  
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REPLY COMMENTS

AT&T Corp. ("AT&T") respectfully submits the following reply comments in response to the Commission's Second Notice of Proposed Rulemaking ("SNPRM"), FCC 95-47, released February 17, 1995.

AT&T's response to the request in the SNPRM for comment on combining into a single Part 15 band the 2390-2400 MHz band and the adjacent 2400-2483.5 MHz band was that such combination be permitted subject to the requirement that the newly authorized users, both above and below the 2400 MHz dividing line, behave in the same way as the presently authorized users, thus causing no harm. Specifically, the asynchronous Personal Communications Services ("PCS") devices authorized from 2390 to 2400 MHz should be required to obey the spread spectrum rules if they operate from 2400 MHz to 2483.5 MHz. Correspondingly, the Part 15 spread spectrum devices authorized between 2400 and 2483.5 MHz should be required to obey the spectrum etiquette rules if they operate between 2390 and 2400 MHz.

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Other commenters<sup>1</sup> also recognized this possibility. Apple (p. 5) wrote that:

"It is possible that, through innovative engineering, devices could be developed that comply with all elements of both sets of rules, or devices could be devised that change operating characteristics depending upon which of the bands they are occupying at the moment of transmission."

Compaq, although recommending that a decision on combining the bands be deferred until a specific proposal has been advanced, was explicit that the Commission "not foreclose the future development of devices or applications that involve some form of combined use of both bands" (pp. 9-10). Motorola also urged no rule change at this time, but referred to on-going industry discussions which should lead to the emergence of more definitive positions (p. 10). ARRL proposed that the issue of combining the bands be addressed in a separate proceeding which would also consider the impact of NTIA's recent Spectrum Reallocation Final Report reallocating 2400-2402 MHz and 2417-2450 MHz from government to private use (pp. 7-8).

AT&T appreciates the need to avoid a band-combining plan that harms operations on either side of the 2400 MHz dividing line and that would preclude appropriate

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<sup>1</sup> The comments addressed in these reply comments, and the abbreviations used to identify them, are set forth in the Appendix.

Commission decisions regarding additional spectrum released by the government. AT&T's specific proposal meets these tests. Moreover, a Commission decision that the bands can indeed be combined, subject to specific safeguards, is necessary before manufacturers will devote the time and resources needed to develop equipment that can properly operate both above and below 2400 MHz. Therefore, the Commission should adopt AT&T's proposal.

AT&T's response to the Commission's request for comment on rules for sharing between Part 15 devices and the Amateur service was that joint study by these interests to develop the necessary information should occur prior to issuance of any needed rules. ARRL likewise recognizes the desirability of coordinated testing, and states that it:

"is ready, willing and able to conduct joint or separate testing of data-PCS systems, and to exchange empirical and hypothetical reference circuit information for field test and theoretical calculations" (pp. 4-5).

The comments, however, also underscore AT&T's concern that the release to private use of spectrum in which government use was superior to the Amateur service may be a significant change in circumstances that threatens the trouble-free sharing between Part 15 devices and the Amateurs. NARCC, for example, anticipates that, with primary status, amateurs "can now get on with the important migration of many services currently in the crowded UHF

hands" (p. 4).<sup>2</sup> NCPA described "several likely scenarios for conflict between Amateurs and users of Data PCS or Part 15 equipment in the 2390-2417 MHz bands."

As AT&T pointed out, the "potential exercise" by the amateurs of this new primary status may necessitate making Part 15 devices primary and the Amateur service secondary, or making both activities co-primary. Motorola thus urges that the Commission now elevate the status of unlicensed PCS to co-primary in the 2390-2400 MHz band (p. 12).<sup>3</sup> EIA/CEG proposes that the status of Part 15 devices be upgraded (pp. 3-4).<sup>4</sup> If the Commission is not prepared at this time to change the relative status of the Amateur service and the Part 15 devices, it should at a

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<sup>2</sup> See also SBMS, noting that the Commission's decision is causing the amateur community "to re-affirm commitments to projects which were put on hold;" and SCRRBA, explaining that that decision allows the Amateur service to "expand meaningful use of this spectrum" (p. 2).

<sup>3</sup> As an alternative, Motorola recommends defining parameters under which unlicensed devices are presumed not to cause interference. The Report and Order in the Automatic Vehicle Monitoring Systems proceeding (PR Docket No. 93-61), released February 6, 1995, is precedent for such an approach.

<sup>4</sup> EIA/CEG identifies creation of a new Part 16 as one means of accomplishing the objective and notes that there are undoubtedly additional means of doing so.

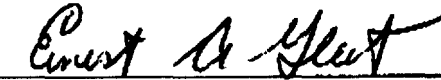
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minimum leave itself open to make such a change, if  
appropriate, in the future.

Respectfully submitted,

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By



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APPENDIX

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Apple Computer, Inc. - Apple

Compaq Computer Corporation - Compaq

Consumer Electronics Group Electronic Industries  
Association -- EIA/CEG

Motorola, Inc. - Motorola

Northern Amateur Relay Council of California, Inc. - NARCC

Northern California Packet Association - NCPA

San Bernardino Microwave Society - SBMS

Southern California Repeater and Remote Base Association -  
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